

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

FILED

JUN 02 2008

EDGAR P. SOLACHE,

Plaintiff,

-vs-

GRUPO ANTOLIN-ILLINOIS and
UAW

Defendants.

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Case No. 07-50239

Hon. Frederick J. Kapala
Magistrate Judge Mahoney

[ECF Application is being processed]

Edgar P. Solache
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**DEFENDANT GRUPO ANTOLIN-ILLINOIS' ANSWER AND
AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT**

Defendant Grupo Antolin-Illinois, by and through its undersigned counsel, answers
Plaintiff's Complaint as follows:

JURISDICTION AND THE PARTIES

1. Grupo Antolin-Illinois neither admits nor denies the legal conclusion contained in Paragraph 1 of Plaintiff's Complaint because it does not require a response.

2. Grupo Antolin-Illinois neither admits nor denies the allegations contained in Paragraph 2 of Plaintiff's Complaint because Grupo Antolin-Illinois is without sufficient information to form a belief.

3. Grupo Antolin-Illinois admits that it maintains a manufacturing facility located on 642 Crystal Parkway, in the City of Belvidere, County of Boone, Illinois, but denies each and every other allegation contained in Paragraph 3 for the reason that they are untrue.

4. Grupo Antolin-Illinois admits that Plaintiff sought employment and was employed by Defendant Grupo Antolin-Illinois, but denies each and every other allegation contained in Paragraph 4 of Plaintiff's Complaint for the reason that they are untrue.

5. Grupo Antolin-Illinois admits the factual allegations contained in Paragraph 5 of Plaintiff's Complaint.

6. Grupo Antolin-Illinois denies as untrue the factual allegations and legal conclusions set forth in Paragraph 6 of Plaintiff's Complaint.

7. Grupo Antolin-Illinois admits only that Plaintiff filed a charge of discrimination against Grupo Antolin-Illinois on or about December 12, 2007, but denies as untrue the remaining factual allegations set forth in Paragraph 7 of Plaintiff's Complaint.

8. Grupo Antolin-Illinois neither admits nor denies the factual allegations and legal conclusions contained in Paragraph 8 of Plaintiff's Complaint as it is without sufficient information to form a belief. However, Grupo Antolin-Illinois does assert that if the allegations contained in Paragraph 8 are true, Plaintiff's lawsuit must be dismissed as the statutory prerequisite for filing a lawsuit under Title VII has not been satisfied.

9. Grupo Antolin-Illinois denies as untrue the factual allegations and legal conclusions contained in Paragraph 9 of Plaintiff's Complaint.

10. Grupo Antolin-Illinois denies as untrue the factual allegations and legal conclusions contained in Paragraph 10 of Plaintiff's Complaint.

11. Grupo Antolin-Illinois denies as untrue the factual allegations and legal conclusions contained in Paragraph 11 of Plaintiff's Complaint.

12. Grupo Antolin-Illinois admits only that it terminated Plaintiff. Grupo Antolin-Illinois denies as untrue the remaining factual allegations and legal conclusions contained in Paragraph 12 of Plaintiff's Complaint.

13. Grupo Antolin-Illinois denies as untrue the factual allegations and legal conclusions contained in Paragraph 13 of Plaintiff's Complaint.

14. Grupo Antolin-Illinois denies as untrue the factual allegations and legal conclusions contained in Paragraph 14 of Plaintiff's Complaint.

15. Grupo Antolin-Illinois neither admits nor denies Plaintiff's demand for a jury trial, which is contained in Paragraph 15 of Plaintiff's Complaint..

WHEREFORE, Grupo Antolin-Illinois requests that this Court deny Plaintiff the relief requested and dismiss the Complaint in its entirety with prejudice and award Grupo Antolin-Illinois its costs and attorneys' fees in defending this frivolous action, plus any other relief, legal or equitable, this Court deems appropriate.

AFFIRMATIVE DEFENSES

Please be advised that at the time of Trial or before, Defendant Grupo Antolin-Illinois will assert affirmative defenses including but not limited to the following:

1. Plaintiff failed to satisfy the jurisdiction prerequisite for filing a lawsuit against Grupo Antolin-Illinois since Paragraph 8 of Plaintiff's Complaint specifically states that Plaintiff did not receive a Right to Sue letter from the Equal Employment Opportunity Commission.

2. Plaintiff fails to state a claim upon which relief can be granted.
3. Plaintiff has failed to exhaust his contractual remedies under the Grievance Procedure of the Collective Bargaining Contract.
4. Plaintiff's claims are barred because any damages alleged to have been suffered by Plaintiff were as a result of Plaintiff's own conduct.
5. Plaintiff's claims are barred or should be reduced significantly due to Plaintiff's failure to mitigate damages.
6. Plaintiff's claims cannot be remedied by this Court since Plaintiff would have been laid off due to his low seniority anyway, even if Plaintiff had not been terminated.
7. Defendant reserves the right to add affirmative defenses as the same may appear as a result of further investigation and/or formal discovery in this case.

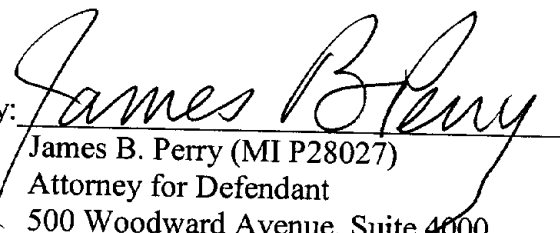
DEMAND FOR REPLY

A demand for reply to each affirmative defense is hereby made.

Respectfully Submitted,

DICKINSON WRIGHT PLLC

By:


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Dated: May 22, 2008

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PROOF OF SERVICE

The undersigned, an employee of Dickinson Wright PLLC, certifies that on May 23, 2008 a copy of Answer and Affirmative Defenses to Plaintiff's Complaint was served via First Class Mail, postage pre-paid upon the above parties of record.

Further deponent sayeth not.


Edith Graham Mize

Dated: May 23, 2008